

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
BALTIMORE DIVISION**

JASON ALFORD *et al.*,

Plaintiffs,

v.

THE NFL PLAYER DISABILITY &
SURVIVOR BENEFIT PLAN *et al.*,

Defendants.

Case No. 1:23-cv-00358-JRR

DEFENDANTS' SUPPLEMENT TO DEFENDANTS' CONSENT MOTION TO SEAL

Pursuant to Local Rule 105.11 and paragraph 17 of the Stipulated Protective Order (“Protective Order”), ECF No. 104, and the Court’s May 16, 2025 Order, ECF No. 201, Defendants the NFL Player Disability & Survivor Benefit Plan, the NFL Player Disability & Neurocognitive Benefit Plan (collectively, the “Disability Plan” or “Plan”), the Bert Bell/Pete Rozelle NFL Player Retirement Plan (the “Retirement Plan,” and with the Disability Plan, the “Plans”), and the Disability Board of the NFL Player Disability & Neurocognitive Benefit Plan (the “Board”) supplement Defendants’ Consent Motion to Seal, ECF No. 199.

Defendants maintain that the Court should seal the following documents, which are designated as “Confidential Information” pursuant to paragraph 2 of the Stipulated Protective Order entered on September 30, 2024 (ECF No. 104) (“Protective Order”)

1. The Administrative Record and related materials for Plaintiff Daniel Loper, ECF Nos. 115-9, 115-12, 115-13, 115-14, 115-15, 115-16, 115-17. These documents consist of disability application materials and related correspondence, medical records, physician evaluations, and decision letters, all of which contain medical information that qualifies as Protected Health Information as defined in paragraph 3 of the Protective Order. This

Protected Health Information appears in numerous places within these documents and cannot be easily redacted. As such, a less drastic alternative to sealing is not viable.

2. The Administrative Record and related materials for Plaintiff Jamize Olawale, ECF Nos. 116-16, 116-17, 124-13, 124-14. These documents consist of disability application materials, medical records, physician evaluations, and decision letters, all of which contain medical information that qualifies as Protected Health Information as defined in paragraph 3 of the Protective Order. This Protected Health Information appears in numerous places within these documents and cannot be easily redacted. As such, a less drastic alternative to sealing is not viable.
3. The Administrative Record for Plaintiff Charles Sims, ECF Nos. 116-34, 125-12. These documents consist of disability application materials, medical records, physician evaluations, and decision letters, all of which contain medical information that qualifies as Protected Health Information as defined in paragraph 3 of the Protective Order. This Protected Health Information appears in numerous places within these documents and cannot be easily redacted. As such, a less drastic alternative to sealing is not viable.

As noted in Plaintiffs' Joint Supplement to Plaintiffs' Motion to Seal (ECF No. 210), the parties are in discussions regarding how filings such as memoranda and declarations containing derivative information that discusses the contents of Plaintiffs' administrative records should be treated. Defendants therefore respectfully request that the Court permit Defendants until Wednesday June 12, 2025 to further supplement this statement.

Wherefore, Defendants respectfully request that the Court grant Defendants' Motion to Seal with respect to the following documents and seal the documents listed herein.

Date: May 30, 2025

Respectfully submitted,

/s/ Gregory Jacob

Gregory F. Jacob (D. Md. Bar No. 06769)

Meredith N. Garagiola (*pro hac vice*)

O'MELVENY & MYERS LLP

1625 Eye Street, N.W., 10th Floor

Washington, DC 20006

Telephone: (202) 383-5300

Facsimile: (202) 383-5414

Email: gjacob@omm.com

Email: mgaragiola@omm.com

Elizabeth L. McKeen (*pro hac vice*)

O'MELVENY & MYERS LLP

610 Newport Center Drive, 17th Floor

Newport Beach, CA 92660

Telephone: (949) 823-6900

Facsimile: (949) 823-6994

Email: emckeen@omm.com

*Attorneys for Defendants The NFL Player
Disability & Survivor Benefit Plan, The NFL
Player Disability & Neurocognitive Benefit
Plan, The Bert Bell/Pete Rozelle NFL Player
Retirement Plan, and The Disability Board of
the NFL Player Disability & Neurocognitive
Benefit Plan*

CERTIFICATE OF SERVICE

I, Gregory F. Jacob, hereby certify that on May 30, 2025, I caused a copy of the foregoing document to be served upon all counsel of record via the CM/ECF system for the United States District Court for the District of Maryland.

/s/ Gregory Jacob
Gregory F. Jacob